

FILE COPY

**STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
	:	
PAUL N. SMITH, R.L.S.	:	87 LSR 42 and 88 LSR 1
RESPONDENT.	:	
	:	

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Paul N. Smith
Athelstane, WI 54104

Examining Board of Architects, Professional Engineers,
Designers and Land Surveyors; Land Surveyors Section
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts and approves the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Paul N. Smith, Respondent herein, Athelstane, Wisconsin 54104, date of birth March 6, 1926, is duly licensed as a land surveyor in the State of Wisconsin. His license bears #1125 and was issued in 1973.

2. Paul N. Smith by stipulation withdrew and waived his right to file a formal answer to the original Complaint, and consented to the entry of this Final Decision and Order. By doing so, he concedes that one or more of his surveying practices in the past were below minimum surveying standards. Paul Smith further agrees that this Final Decision and Order be entered pursuant to the authority of Wis. Adm. Code, sec. RL 2.14 based solely upon the allegations of the original Complaint and without the presentation of additional evidence.

3. Paul Smith voluntarily agrees to a 30 day suspension of his license to practice land surveying, and, upon expiration of the suspension period, to a condition that his land surveys and survey maps must be submitted to and approved by Kim Pritzlaff, R.L.S., or other R.L.S., prior to filing or recording in the public record.

CONCLUSIONS OF LAW

1. The Land Surveyors Section has jurisdiction in this matter pursuant to Wis. Stats. sec. 443.12.

2. Respondent's conduct as set forth in paragraph 2 of the Findings of Fact above, constitutes violations of the Wisconsin Administrative Code provisions relating to the practice of land surveying and is therefore misconduct contrary to Wis. Stats. sec. 443.12(1)

and Wis. Adm. Code sec. A-E 4.003(3), now renumbered A-E 8.03(3), and Respondent is therefore subject to disciplinary action by the Wisconsin Surveyors Section.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that the license of Paul N. Smith, #1125, is hereby suspended for 30 days effective on the 10th day following the signing of this Order.

IT IS FURTHER ORDERED that upon the expiration of the suspension period, the license of Paul N. Smith shall be restored upon the following terms and conditions, which shall remain in effect until removed or modified by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section.

1. Paul N. Smith shall submit his land surveys and survey maps to Kim Pritzlaff R.L.S. or other R.L.S. approved by the Board for review and approval prior to filing or recording.

2. Paul N. Smith shall submit a certification to the Land Surveyors Section annually that he has not practiced land surveying in a manner inconsistent with the foregoing; and Paul Smith shall report immediately to the Land Surveyors Section any suspected violations of this Final Decision and Order.

3. In the event that at any time Paul N. Smith petitions the Board to modify the foregoing, it shall be totally within the discretion of the Board to determine whether to grant said petition. The Board may do so in a manner different than that requested by Paul

Smith. If the Board determines not to grant said petition, the Board's decision shall not be considered a denial of a license under secs. 227.01(3) or 227.51, Wis. Stats., and Paul Smith shall not be entitled to a hearing on the Board's decision.

IT IS FURTHER ORDERED, that investigative files 87 LSR 42 and 88 LSR 1, and formal disciplinary proceedings file, LSR 9104011 LSR be closed and each party shall bear and be responsible for its/his own respective fees, costs, and expenses relative to or of these proceedings.

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS;
LAND SURVEYOR SECTION

By: PETER EGGERT
A Member of the Board
BUREAU DIRECTOR - FOR THE BOARD

Date: 3/27/02

**STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

STIPULATION

**PAUL N. SMITH, R.L.S.
RESPONDENT.**

87 LSR 42 and 88 LSR 1

It is hereby stipulated between Paul N. Smith, R.L.S., personally and by his attorney, Irwin L. Kass, and Roger R. Hall, attorney for Complainant, as follows:

1. Paul N. Smith, Athelstane, Wisconsin 54104 is currently licensed as a Registered Land Surveyor in the State of Wisconsin, license #1125, said license having been granted in 1973.

2. Allegations by original Complaint and amended pleadings against Paul N. Smith are pending before the Land Surveyor Section, to which Paul N. Smith has filed an Answer and amended Answers, respectively.

3. With respect to all pending allegations, Paul Smith hereby withdraws and waives his right to file his Answer to the original Complaint and agrees to the entry of the proposed Final Decision and Order, copies of which are attached hereto and incorporated herein. The proposed Final Decision and Order shall be entered pursuant to the authority of Wis. Adm. Code sec. RL 2.14 based solely upon the allegations of the original Complaint and without the presentation of additional evidence. Each party shall bear and be responsible for its/his own respective fees, costs, and expenses relative to or of these

proceedings.

4. If any term or condition of this Stipulation is not accepted by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, then no term of this Stipulation shall be binding in any manner on any party.

Dated: 3/17/1992

Paul N. Smith
Paul N. Smith, Respondent

Dated: 3/17/92

Irwin L. Kass
Irwin L. Kass, Attorney for Respondent

Dated: 3/18/92

Roger R. Hall
Roger R. Hall, Attorney for Complainant

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Architects, Professional Engineers, Designers and Land Surveyors.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Architects, Professional Engineers, Designers, And Land Surveyors.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Architects, Professional Engineers, Designers and Land Surveyors.

The date of mailing of this decision is April 1, 1992.